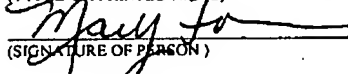


**RECEIVED
CENTRAL FAX CENTER****JUL 05 2007**I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING FACSIMILE
TRANSMITTED TO 571-273-8300 ON July 5, 2007

Mary Forcier

(TYPED OR PRINTED NAME)


(SIGNATURE OF PERSON)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of: Richard D. Breault) Examiner: Tracey Mae Dove
)
For: Fuel Cell Temperature Control by) Group Art Unit: 1745
Evaporative Cooling)
)
Serial No.: 10/649,244) Docket No: C-2821
)
Filed on: August 27, 2003)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

NOTICE OF APPEAL

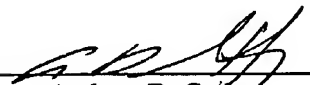
Sir:

Pursuant to 37 C.F.R. § 1.191, Applicants hereby appeal to the Patent Office Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated June 26, 2007, rejecting Claims 12-21 of this application.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 501307.

Respectfully submitted,

By


Andrew D. Gathy

Reg. No: 46,441

(860) 727-2153

Dated: July 5, 2007

UTC Power Corporation
195 Governor's Highway
South Windsor, CT 06074

JUL 05 2007

PTO/SB/31 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) <div style="font-size: 1.2em; margin-top: 10px;">C-2821</div>							
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] <u>July 5, 2007</u> on _____ Signature <u>Mary Forcier</u> Typed or printed name <u>MARY FORCIER</u>		In re Application of <div style="font-size: 1.2em; margin-top: 5px;">Richard D. Breault</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Application Number <div style="font-size: 1.2em;">10/649,244</div></td> <td style="padding: 2px;">Filed <div style="font-size: 1.2em;">08/27/2003</div></td> </tr> <tr> <td colspan="2" style="padding: 2px;">For <u>Fuel Cell Temperature Control by Evaporative Cooling</u></td> </tr> <tr> <td style="padding: 2px;">Art Unit <div style="font-size: 1.2em;">1745</div></td> <td style="padding: 2px;">Examiner <div style="font-size: 1.2em;">Tracy Mae Dove</div></td> </tr> </table>		Application Number <div style="font-size: 1.2em;">10/649,244</div>	Filed <div style="font-size: 1.2em;">08/27/2003</div>	For <u>Fuel Cell Temperature Control by Evaporative Cooling</u>		Art Unit <div style="font-size: 1.2em;">1745</div>	Examiner <div style="font-size: 1.2em;">Tracy Mae Dove</div>
Application Number <div style="font-size: 1.2em;">10/649,244</div>	Filed <div style="font-size: 1.2em;">08/27/2003</div>								
For <u>Fuel Cell Temperature Control by Evaporative Cooling</u>									
Art Unit <div style="font-size: 1.2em;">1745</div>	Examiner <div style="font-size: 1.2em;">Tracy Mae Dove</div>								
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.									
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>500.00</u>							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____									
<input type="checkbox"/> A check in the amount of the fee is enclosed.									
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.									
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.									
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>501307</u> . I have enclosed a duplicate copy of this sheet.									
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.									
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.									
I am the		<div style="text-align: center;"> Signature <div style="font-size: 1.2em; margin-top: 5px;">Andrew D. Gathy</div> Typed or printed name </div>							
<input type="checkbox"/> applicant/inventor.		<div style="text-align: center;"> <div style="font-size: 1.2em; margin-top: 5px;">860-727-2153</div> Telephone number </div>							
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		<div style="text-align: center;"> <div style="font-size: 1.2em; margin-top: 5px;">July 5, 2007</div> Date </div>							
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>46,441</u>									
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____									
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.									
<input type="checkbox"/> *Total of <u>2</u> forms are submitted.									

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/06/2007 NNGUYEN1 00000049 501307 10649244
01 FC:1401 500.00 DA